IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29791 of 2007(V)

PETITIONER:

A.T.UNNIKRISHNAN, AGED 46 YEARS,
S/O VELAYUDHAN NAIR, ASARITHODI HOUSE,
P.O.PANDARANGADI, THRIKKULAM KARA,
THIRURANGADI VILLAGE, MALAPPURAM.

BY ADV. SRI.JOHN JOSEPH VETTIKAD
SRI.C.JOSEPH JOHNY

RESPONDENTS:

THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES(G), MALAPPURAM.

BY SPL. G.P. SRI.A.G.ANEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 8 /10 /2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 29791 of 2007

Dated this the 8th day of October, 2007

JUDGMENT

In this writ petition under Article 226 of the Constitution, the petitioner, who is a member of the Managing Committee of the Parappanangadi Regional Housing Co-operative Society, challenges Ext.P2 notice issued to the Society by the respondent under Section 32 (1) of the Kerala Co-Operative Societies Act. Though Ext.P2 is challenged on various grounds including the ground of mala fide and ulterior motives , I do not propose to examine the merits of those grounds.

2. Smt.A.G.Anitha, the learned Special Government Pleader for Co-operation takes notice on behalf of the respondent.

3. I have heard the submissions of Sri. John Joseph Vettikkad the learned counsel for the petitioner. Apart from addressing arguments on the basis of the grounds raised in the writ petition, he invited my attention to the judgment of the learned Singe Judge of this court in W.P.(C) 19514/2007 which was confirmed by a Division Bench in W.A. No.1967/2007. Smt.Anitha the special Government Pleader would submit that Ext.P2 notice now stands posted for hearing on 10.10.2007 and that it is open to the petitioner and any other

member of the Managing Committee of the Panchayat to substantiate the objections which they are having to Ext.P2 notice.

4. Having considered the rival submissions addressed at the bar, I am of the view that this writ petition can be disposed of issuing the following directions:

i). The petitioner should be heard by the respondent on objection, if any, filed or to be filed by the petitioner and on any other grounds including the grounds raised in this writ petition on which the petitioner may address arguments during hearing. Once the final hearing is over, the respondent should pass final orders and final orders so passed should be communicated to the petitioner. The respondent shall not implement the final order so passed for a period of 10 days from the day on which the final order is communicated on the petitioner.

ii). It is clarified that the petitioner should be permitted to file objections, if any, on Ext.P2 on or before 10.10.2007. The objections, so filed by the petitioner shall be received on file by the respondent and the petitioner shall be heard on such objections.

PIUS C. KURIAKOSE,

JUDGE.

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